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WENDEROTH, LIND & PONACK

In re Application of	:	
GREENBERG (Deceased)	:	DECISION ON
Application No.: 10/599,723	:	
PCT No.: PCT/US05/11476	:	REQUEST
Int. Filing Date: 05 April 2005	:	
Priority Date: 06 April 2004	:	UNDER 37 CFR 1.42
Attorney Docket no.: 20151/1201061-US1	:	
For: PARKING FACILITY	:	

This is a decision on applicant's request under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 07 July 2008.

BACKGROUND

On 21 May 2007, a Notification of Missing Requirements was mailed to applicant, indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 21 December 2007, applicant filed a declaration of the inventor, identifying the deceased sole inventor Merish Greenberg and Bonnie Greenberg, as the legal heir/representative of deceased inventor along with the surcharge for filing the declaration after the thirty month period.

On 08 May 2008, a decision was mailed indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b), because the declaration did not identify the citizenship of Bonnie Greenberg and was unclear as to whether Ms. Greenberg is the legal representative or the sole heir.

On 07 July 2008, applicant filed a newly executed declaration.

DISCUSSION

The new declaration states the relationship to the deceased inventor and states the

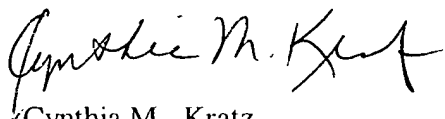
country of citizenship, former residency and mailing address for *both* the deceased inventor and the legal representative. Thus the declaration meets the requirements for compliance with 37 CFR 1.497(a) and (b) and 1.64. Accordingly, it is appropriate to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The declaration by the legal representative for deceased inventor Mersh Greenburg, submitted on 07 July 2008 is accepted as a proper declaration under 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 07 July 2008.



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